



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/885,746 | 06/20/2001 | Paul Peterson | 30020/37149 | 5589 |
| 4743 | 7590 | 05/05/2004 | EXAMINER | |
| MARSHALL, GERSTEIN & BORUN LLP 6300 SEARS TOWER 233 S. WACKER DRIVE CHICAGO, IL 60606 | | | PATEL, KANJIBHAI B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2625 | |
| DATE MAILED: 05/05/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|----------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/885,746 | PETERSON, PAUL |
| | Examiner | Art Unit |
| | Kanji Patel | 2625 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 June 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-11 is/are allowed.
- 6) Claim(s) 12,14-21 is/are rejected.
- 7) Claim(s) 13 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 June 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2-3.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Drawings

1. Drawings filed on 6/20/01 have been approved by the examiner.

Specification

2. The disclosure is objected to because of the following informalities:

- i. **Brief summary of the Invention is missing.**

Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

- ii. Page 5, line 17, change "102" to --202--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 14-15, 17 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kroos et al. (hereinafter referred to as Kroose) (US 5,117,283).

For claim 12, Kroos et al. discloses an apparatus for generating a multiple composite image (figures 1-2), the apparatus comprising:

a memory device storing a software program (figure 2), a composite background image (84 in figure 2), a composite foreground image (82 in figure 2), and an interior image (80, 82 in figure 2 are used to provide an interior images);

a digital camera (70 in figure 2) structured to capture a digital image; and

a controller (figure 2; column 5, line 64) operatively coupled to the memory device and the digital camera, the controller being structured to execute the software program, the software program being structured to cause the controller to:

retrieve the composite background image (84, 88; column 6, lines), the composite foreground image (82), and the interior image from the memory device (80, 82);

receive the digital image from the digital camera (a customer image from a digital camera 70 as shown in figure 2 is used to obtain a digital image);

interlace the digital image with the interior image to produce a composite interior image (80 and 82; column 7, lines 17-39); and

combine at least a portion of the composite background image, at least a portion of the composite foreground image, and at least a portion of the composite interior image to create the multiple composite image (86 in figure 2; column 6, lines 21-25).

For claim 14, Kroos discloses an apparatus as defined in claim 12, wherein the software program is further structured to cause the controller (column 5, line 64) to receive a theme selection (88; column 3, lines 10-20), the theme selection identifying

the composite background image (84), the composite foreground image (82), and the interior image (80,82; see column 6, lines 26-51).

For claim 15, Kroos discloses an apparatus as defined in claim 14, wherein the software program is further structured to cause the controller (column 5, line 64) to generate a display signal of a graphical representation of each of a plurality of predetermined themes on a display device (column 10, lines 61-67) operatively connected to the controller.

For claim 17, Kroose discloses an apparatus as defined in claim 12, wherein the software program is further structured to cause the controller (column 5, line 64) to generate a print signal (column 4, lines 6-16) indicative of the multiple composite images.

For claim 19, see the rejection of claim 12 above.

For claim 20, see the rejection of claim 14 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kroose (hereinafter referred to as Kroose) (US 5,117,283) as applied to claims 12, 14-15, 17 and 19-20 above and further in view of Lanier (US 6,400,374 B2).

For claim 16, Kroose does not disclose explicitly wherein the software program is further structured to cause the controller to generate a display signal of a graphical representation of each of a plurality of predetermined themes for transmission via the Internet. However, the use of Internet or LAN and WAN for transmission of images is well known and widely used in the prior art. Lanier, in an analogous art, discloses a video superposition system using Internet as shown in figure 5 and explained in column 5, lines 20-25 and column 9, lines 35-55. It would have been obvious to a person skilled in the art to include the use of internet (or LAN and WAN) as shown by Lanier for photo booth compositing platform of Kroose because such a modification will allow the user of Kroose system to interact with a graphical environment of a system as shown by Lanier in column 5, lines 20-25.

5. **Claims 18 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroose (hereinafter referred to as Kroose) (US 5,117,283) as applied to claims 12, 14-15, 17 and 19-20 above and further in view of Gottfried et al. (hereinafter referred to as Gottfried) (US 6,329,987 B1).

For claims 18 and 21, Kroose does not disclose explicitly a lenticular registration mark which facilitates rotational positioning and axial positioning of a lenticular surface. However, Gottfried discloses a creation of computer generated lenticular images comprising a lenticular registration mark (image strips) which facilitates rotational positioning and axial positioning of a lenticular surface at least as shown at column 14, lines 49-58. Therefore, it would have been obvious to a person skilled in the art to use a print signal indicative of a lenticular registration mark which facilitates rotational

positioning and axial positioning of a lenticular surface as shown by Gottfried for photo booth compositing platform of Kroose because such a modification will make the system of Kroose to increase the overall resolution of the interlaced image to be used with any lenticular lens and output device, such as a plotter or printer as shown by Gottfried at column 1, lines 10-22.

Allowable Subject Matter

6. **Claim 13** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

For claims 13, the prior art on record fails to teach or suggest, alone or in combination, delete a portion of the composite background image to create a specialized background image, the portion of the composite background image deleted being dependant on the composite interior image and delete a portion of the composite interior image to create a specialized interior image, the portion of the composite interior image deleted being dependant on the composite foreground image.

Claims 1-11 are allowed.

For independent claim 1, the prior art on record fails to teach or suggest, alone or in combination, for generating a multiple composite image, comprising among other things, deleting a portion of the composite background image to create a specialized background image, the portion of the composite background image deleted being dependant on the composite interior image and deleting a portion of the composite

interior image to create a specialized interior image, the portion of the composite interior image delete being dependant on the composite foreground image.

Other prior art cited

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barber (US 6,507,361 B1) discloses an electronic personalized imaging production system including means for combining foreground images with background images.

Kang et al. (US 6,266,068 B1) disclose a multi-layer image-based rendering for video synthesis.

Parker (US 6,429,892 B1) discloses an automated self-portrait vending system.

David et al. (US 5,539,453) disclose photographic self-portrait installations.

Brennan (US 5,587,740) discloses a digital photo kiosk.

Summer et al. (US 5,886,818) disclose a multi-image compositing.

Sevigny (US 6,400,832 B1) discloses a processing image data.

Contact information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kanji Patel** whose telephone number is (703) 305-4011. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 6:30 p.m. Friday off.

If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, **Bhavesh Mehta**, can be reached on (703) 308-5246.

Any inquiry of general nature or relating to the status of this application should be directed to the **Group receptionist** whose telephone number is (703) 305-3800.

The **Fax number** for this group is (703) 872-9306.

kanjipatel

Kanji Patel
Patent Examiner
Group Art Unit 2625
April 30 2004